



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5

77 WEST JACKSON BOULEVARD

CHICAGO, IL 60604-3590

SEP 08 2017

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

REPLY TO THE ATTENTION OF:

Steve Fischer, Director of Operations
Voss Industries
7925 Beech Daly Road
Taylor, Michigan 48180

Re: Notice of Violation and Finding of Violation
Voss Industries
Taylor, Michigan

Dear Mr. Fischer:

The U.S. Environmental Protection Agency is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Voss Industries (you) under Section 113(a)(1) and (3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (3). We find that you are violating Section 112 of the Act, 42 U.S.C. § 7412, and its implementing regulations; Title V of the Act, 42 U.S.C. § 7661 *et. seq.*, and its implementing regulations; and the Michigan State Implementation Plan at your Taylor, Michigan facility.

Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV/FOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Daniel Schaufelberger. You may call him at (312) 886-6814 to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,

A handwritten signature in black ink, appearing to read "Edward Nam", with a stylized flourish at the end.

Edward Nam
Director
Air and Radiation Division

Enclosure

cc: Thomas Hess, Enforcement Unit Supervisor

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5**

IN THE MATTER OF:

Voss Industries
Taylor, Michigan

**NOTICE OF VIOLATION AND
FINDING OF VIOLATION**

EPA-5-17-MI-03

Proceedings Pursuant to
Section 113(a)(1) and (3) of the
Clean Air Act, 42 U.S.C.
§§ 7413(a)(1) and (3)

NOTICE AND FINDING OF VIOLATION

The U.S. Environmental Protection Agency (EPA) is issuing this Notice and Finding of Violation (NOV/FOV) to Voss Industries (Voss or you) to notify you that we have found violations of the Clean Air Act (the Act), 42 U.S.C. §§ 7401-7671q, and its implementing regulations at your facility located at 7925 Beech Daly Road, Taylor, Michigan. The relevant statutory and regulatory background, factual background, finding of violations, and environmental impact of these violations are set forth in detail below.

This NOV/FOV is issued in accordance with Sections 113(a)(1) and (a)(3) of the Act, 42 U.S.C. §§ 7413(a)(1) and (3). The authority to issue this NOV/FOV has been delegated by the Administrator to the Regional Administrator and re-delegated to the Director of the Air and Radiation Division for Region 5 of the EPA.

Statutory and Regulatory Background

1. The Act is designed to protect and enhance the quality of the nation's air so as to promote the public health and welfare and the productive capacity of its populations. Section 101(b)(1) of the Act, 42 U.S.C. § 7401(b)(1).

State Implementation Plan

2. Section 110 of the Act, 42 U.S.C. § 7410, requires each state to adopt and submit to EPA a plan that provides for the implementation, maintenance, and enforcement of primary and secondary National Ambient Air Quality Standards in the state. Upon approval by EPA, the plan becomes part of the applicable State Implementation Plan (SIP) for the state.
3. On May 6, 1980, EPA approved the Permits to Install requirements at Michigan Administrative Code R 336.1201 as part of the federally enforceable Michigan SIP. 45 *Fed. Reg.* 29790.
4. R 336.1201(1) provides that a person shall not install, construct, relocate, or alter any process or control equipment pertaining thereto, which may be a source of an air

contaminant, until a permit to install is issued. The rule further provides that a permit to install shall cover construction, reconstruction, relocation, and alteration of equipment where such is involved. A person planning to install, construct, reconstruct, relocate, or alter any such equipment shall apply to the commission for a permit to install and shall provide the information required in Rule 203.

5. Pursuant to 40 C.F.R. § 52.23, failure to comply with any approved regulatory provision of a SIP shall render the person so failing to comply in violation of a requirement of an applicable implementation plan and subject to enforcement action under Section 113 of the Act, 42 U.S.C. § 7413.

Title V

6. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), provides that it is unlawful for any person to, among other things, operate a major source subject to Title V except in compliance with a Title V permit after the effective date of any permit program approved or promulgated under Title V of the Act.
7. Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), EPA promulgated regulations establishing the minimum elements of a Title V permit program to be administered by any air pollution control agency. *See 57 Fed. Reg. 32,295.* Those regulations are codified at 40 C.F.R. Part 70.
8. EPA granted full approval to the Michigan Title V operating permit program on December 4, 2001. *66 Fed. Reg. 62949.* The program became effective on November 30, 2001. The Michigan regulations governing the Title V permit program, also known as the “renewable operating permit program,” are codified at R 336.1210 through R 336.1219.
9. 40 C.F.R. § 70.7(b) provides that no Title V source may operate after the time that it is required to submit a timely and complete application except in compliance with a Title V permit issued under an approved permit program. *See also R 336.1210.*
10. 40 C.F.R. § 70.2 defines “major source,” in part, as any stationary source that emits or has the potential to emit 10 tons per year (TPY) or more of any hazardous air pollutant (HAP) which has been listed pursuant to section 112(b) of the Act. *See also R 336.1211.*
11. Section 503 of the Act, 42 U.S.C. § 7661b, and 40 C.F.R. § 70.5(a), set forth the requirement to submit a timely, accurate, and complete permit application for a permit, including information required to be submitted with the application. *See also R 336.1210 and R 336.1212.*

National Emission Standards for Hazardous Air Pollutants

12. Section 112(c) of the Act, 42 U.S.C. § 7412(c), requires EPA to promulgate a list of all categories and subcategories of major sources and area sources of HAP and establish emissions standards for the categories and subcategories. These emission standards are known as the National Emission Standards for Hazardous Air Pollutants (NESHAP).

The purpose of the NESHAP is to ensure that all sources achieve the maximum degree of reduction in emission of HAP that EPA determines is achievable for each sources category.

13. Pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b), EPA designates HAPs, which present or may present a threat of adverse effects to human health or the environment. Section 112(b) of the CAA, 42 U.S.C. § 7412(b), lists hydrochloric acid (HCl) as a HAP.
14. Pursuant to Section 112(c) of the Act, EPA promulgated a list of categories and subcategories of major sources of the air pollutants listed pursuant to Section 112(b) of the Act, 42 U.S.C. § 7412(b).
15. Pursuant to Section 112(d) of the Act, EPA promulgated regulations implementing the NESHAP at 40 C.F.R. Part 63.
16. Section 112(a) of the Act, 42 U.S.C. § 7412(a), and 40 C.F.R. § 63.2 define “major source” as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit considering controls, in the aggregate, 10 tons per year (TPY) or more of any HAP or 25 TPY or more of any combination of HAPs.
17. Section 112(i)(3) of the Act, 42 U.S.C. § 7412(i)(3), and 40 C.F.R. § 63.4, prohibit the owner or operator of any source from operating such source in violation of any NESHAP applicable to such source.
18. The NESHAP, at 40 C.F.R. Part 63, Subpart A, contains general provisions applicable to the owner or operator of any stationary source that contains an affected source subject to the NESHAP at Part 63. These general provisions include definitions at 40 C.F.R. § 63.2.
19. The NESHAP, at 40 C.F.R. § 63.2, defines “affected source” as the collection of equipment, activities, or both within a single contiguous area and under common control that is included in an Act Section 112(c) source category or subcategory for which a Section 112(d) standard or other relevant standard is established pursuant to Section 112 of the Act.
20. The NESHAP, at 40 C.F.R. § 63.2, defines “existing source” as any affected source that is not a new source.

**NESHAP for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration
Plants at 40 C.F.R. Part 63, Subpart CCC**

21. On June 22, 1999, EPA promulgated the NESHAP for Steel Pickling – HCl Process Facilities and Hydrochloric Acid Regeneration Plants (Pickling NESHAP), codified at 40 C.F.R. Part 63, Subpart CCC. 64 *Fed. Reg.* 33218.
22. 40 C.F.R. § 63.1160(a)(1) provides that the “owner or operator of an affected existing steel pickling facility and/or hydrochloric acid regeneration plant subject to this subpart

shall achieve initial compliance with the requirements of this subpart no later than June 22, 2001.”

23. 40 C.F.R. § 63.1155(a)(1) provides that the provisions of the Pickling NESHAP apply to all new and existing steel pickling facilities or plants that are major sources of HAP and pickle carbon steel using HCl solution that contains 6 percent or more by weight HCl and is at a temperature of 100 degrees Fahrenheit or higher.
24. 40 C.F.R. § 63.1155(b) provides that, for the purposes of implementing the subpart, the affected sources at a facility or plant subject to this subpart include continuous pickling lines and hydrochloric acid storage vessels.
25. 40 C.F.R. § 63.1156 defines “continuous pickling line” as the collection of equipment and tanks configured for pickling metal strip, rod, wire, tube, or pipe that is passed through an acid solution in a continuous or nearly continuous manner and rinsed in another tank or series of tanks to remove residual acid. This definition includes continuous spray towers.
26. 40 C.F.R. § 63.1156 defines “hydrochloric acid storage vessel” as a stationary vessel used for the bulk containment of virgin or regenerated hydrochloric acid.

NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters at 40 C.F.R. Part 63, Subpart DDDDD

27. On March 21, 2011, EPA promulgated the NESHAP for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (Boiler MACT), codified at 40 C.F.R. Part 63, Subpart DDDDD. 76 *Fed. Reg.* 15664. This subpart applies to new and existing industrial boilers and process heaters located at major stationary sources of HAPs.
28. 40 C.F.R. § 63.7495(b) requires the owner or operator of an existing affected source subject to this subpart achieve initial compliance with the requirements of this subpart no later than January 31, 2016.
29. 40 C.F.R. § 63.7485 provides that the provisions of this subpart apply to owners or operators of an industrial, commercial, or institutional boiler or process heater as defined in 40 C.F.R. § 63.7575 that is located at, or is part of, a major source of HAP, except as specified in 40 C.F.R. § 63.7491.
30. 40 C.F.R. § 63.7490(a)(1) provides that an existing affected source as defined for this subpart is the collection at a major source of all existing industrial, commercial, and institutional boilers and process heaters within a subcategory as defined in 40 C.F.R. § 63.7575.
31. 40 C.F.R. § 63.7490(d) defines a boiler or process heater as existing if it is not new or reconstructed.

32. 40 C.F.R. § 63.7490(d) defines a boiler or process heater as new if construction of the units commenced after June 4, 2010.
33. 40 C.F.R. § 63.7490(c) defines a boiler or process heater as reconstructed if the criteria defined in 63.2 is met, reconstruction commenced after June 4, 2010, and the applicability criteria is met at the time reconstruction commenced.
34. 40 C.F.R. § 63.7575 defines an industrial boiler as a boiler used in manufacturing, processing, mining, and refining or any other industry to provide steam, hot water, and/or electricity.

Relevant Factual Background

35. Voss owns and operates a steel pickling facility at 7925 Beech Daly Road, Taylor, Michigan (the facility).
36. According to the Michigan Department of Environmental Quality, the facility's pickling line was originally permitted by the Wayne County Department of Health on April 10, 1968.
37. Voss operates two industrial natural gas fired boilers, Boiler #1 (installed in 1974) and Boiler #2 (installed in 1992), rated at 500 HP (22 MMBtu/hour) and 250 HP (8.369 MMBtu/hour), respectively.
38. Voss operates a continuous steel pickling line consisting of HCl tanks and a water spray rinse tank connected in series. Steel strip is uncoiled and pulled through the pickling line. The HCl is applied to steel strip at a concentration of between 6 and 8% by weight, and at a temperature of approximately 180 degrees Fahrenheit.
39. On June 1, 2017, Voss conducted an HCl stack test at the pickling line HCl scrubber stack. The results of this test indicate that Voss's pickling line has the potential to emit HCl in an amount greater than 10 TPY.
40. Voss operates a "major source" of HAP, as defined at 40 C.F.R. §§ 63.2 and 70.2.
41. Voss is subject to the requirements of Title V of the Act, 42 U.S.C. §§ 7661 *et seq.*; the Pickling NESHAP, 40 C.F.R. Part 63, Subpart CCC; and the Boiler MACT, 40 C.F.R. Part 63, Subpart DDDDD.
42. Voss has not applied for and has not obtained a Title V permit.
43. Voss installed two fresh acid storage tanks in the year 1997. The tanks hold 36% by weight HCl solution at a capacity of 17,968 gallons each.
44. Voss did not obtain permits to install prior to installing the two fresh acid tanks.

Violations

SIP Violations

45. By failing to obtain permits to install for the two 17,968-gallon fresh acid storage tanks, Voss has violated and continues to violate the Michigan SIP requirement at R 336.1201(1).

Title V Violations

46. Voss failed to submit a timely Title V permit application to the State of Michigan in violation of 40 C.F.R. § 70.5(a) and Section 503 of the Act.
47. By failing to apply for and obtain a Title V operating permit (Michigan Renewable Operating Permit), Voss has violated and continues to violate the Title V requirements at 40 C.F.R. § 70.7(b) and Section 502 of the Act.

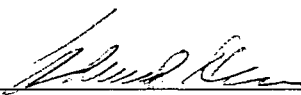
NESHAP Violations

48. Voss has been and continues to be a major source of HAP and, since June 22, 2001, has been required to comply with the requirements of the Pickling NESHAP. Voss has failed to comply with applicable requirements, which include a complete scrubber operation and maintenance plan, requirements to demonstrate initial and continuous compliance with emission limits, operating limits, work practice standards, and recordkeeping and reporting requirements associated with the facility's pickling line.
49. Voss has been and continues to be a major source of HAP and, since January 31, 2016, has been required to comply with the requirements of Subpart DDDDD NESHAP for existing industrial boilers for its two natural gas fired industrial boilers. Voss has failed to comply with the applicable requirements, which include the completion of a boiler energy assessment, required regular boiler tune-ups and other work practice standards, submission of compliance notifications, and submission of boiler tune-up compliance reports.

Environmental Impact of Violations

50. The violations above have resulted in elevated emissions of hydrogen chloride. Acute inhalation exposure may cause eye, nose, and respiratory tract irritation and inflammation and pulmonary edema in humans. Acute oral exposure may cause corrosion of the mucous membranes, esophagus, and stomach and dermal contact may produce severe burns, ulceration, and scarring in humans. Chronic occupational exposure to hydrochloric acid has been reported to cause gastritis, chronic bronchitis, dermatitis, and photosensitization in workers. Prolonged exposure to low concentrations may also cause dental discoloration and erosion.

9/18/17
Date


Edward Nam
Director
Air and Radiation Division

CERTIFICATE OF MAILING

I certify that I sent a Notice of Violation, No. EPA-5-17-MI-03, by Certified Mail, Return

Receipt Requested, to:


Steve Fischer, Director of Operations
Voss Industries
7925 Beech Daly Road
Taylor, Michigan 48180

I also certify that I sent copies of the Notice and Finding of Violation by first-class mail

to:

Thomas Hess, Enforcement Unit Chief
Michigan Department of Environmental
Quality
Air Quality Division
P.O. Box 30260
Lansing, Michigan 48909

On the 12th day of September 2017.



Kathy Jones
Program Technician
AECAB, PAS

CERTIFIED MAIL RECEIPT NUMBER: 7009 1680 0000 7647 0391